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15 *YWS Architects, LLC and*
16 *Counterdefendant Tom Wucherer*

17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 YWS Architects, LLC dba YWS
20 Design & Architecture, a Nevada
limited liability company ,

21 Plaintiff,

22 vs.

23 Alon Las Vegas Resort, LLC, a
24 Delaware limited liability company;
Alon Las Vegas Landco, LLC, a
25 Delaware limited liability company;
TISHMAR, LLC, a Nevada limited
26 liability company ,

27 Defendants.
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Case No.: 2:17-CV-01417-RFB-VCF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISCOVERY
PLAN AND SCHEDULING ORDER
DATES AND DEADLINES**

(Third Request)

Alon Las Vegas Resort, LLC, a
Delaware limited liability company;
Alon Leisure Management, LLC, a
Delaware limited liability company,

Counter-claimants,

vs.

YWS Architects, LLC dba YWS
Design & Architecture, a Nevada
limited liability company; Tom
Wucherer, an individual; DOES 1
through 10; ROE CORPORATIONS
11-20,

Counter-defendants.

Plaintiff YWS Architects, LLC dba YWS Design & Architecture (“Plaintiff” or “YWS”) and Tom Wucherer (“Wucherer”), by and through their counsel of record, the law firm of Greenberg Traurig, LLP and Rourke Law Firm, and Counterclaimants Alon Las Vegas Resort, LLC and Alon Leisure Management, LLC (collectively “Alon Group”), by and through their counsel, Mead Law Group and Snell & Wilmer LLP (collectively the “Parties”), for good cause shown, pursuant to Local Rules 26-4 and 6-1, hereby submit the following Stipulation.

I. DISCOVERY COMPLETED TO DATE

As required by FRCP 26 and Local Rule 26-1(d), counsel for the Parties held a telephone conference on August 4, 2017 to discuss initial discovery disclosures and to develop a discovery plan. Initial and Supplemental disclosures were subsequently served as required by FRCP 26(a)(1). YWS has produced six supplemental disclosures since that time. Alon has produced three supplemental disclosures since that time.

On January 24, 2018, the Parties submitted their first request to extend the discovery plan and scheduling order dates and deadlines [Doc. 71]. The Court granted this request the same day. [Doc. 73].

The Parties have exchanged the following written discovery to date:

1 1. On September 13, 2017, Alon propounded its First Set of Requests for Production of
2 Documents, its First Set of Requests for Admission, and its First Set of Interrogatories upon YWS.
3 On October 27, 2018, YWS served its responses thereto.

4 2. On September 15, 2017, YWS propounded its First Set of Requests for Production of
5 Documents, its First Set of Requests for Admission, and its First Set of Interrogatories upon Alon.
6 On November 6, 2017, Alon served its responses thereto.

7 3. After a meet and confer and a letter requesting supplemental responses written by
8 Alon, YWS produced its supplemental responses to Alon's First Set of Admissions and First Set of
9 Interrogatories on March 5, 2018.

10 4. In October, YWS issued several subpoenas duces tecum to various third parties.

11 5. On January 10, 2018, the deposition of the Person Most Knowledgeable for Penta
12 Building Group was taken by the Parties.

13 6. On April 10, 2018, Alon noticed the deposition of YWS' Person(s) Most
14 Knowledgeable for May 8, 2018, explaining that the date was flexible if it did not work for YWS or
15 its counsel.

16 7. In April and May of 2018, the Parties discussed dates for depositions of YWS'
17 Person(s) Most Knowledgeable as well as various witnesses listed on Alon's disclosure statements:
18 Andre Dutra, Josh Zint, Frank Gonzales, and Todd Nisbet.

19 8. In May of 2018, YWS attempted to serve deposition subpoenas for Andre Dutra,
20 Josh Zint, and Frank Gonzales, because Alon no longer has contact with these witnesses. However,
21 YWS was only able to serve Andre Dutra. His deposition took place on May 31, 2018. The
22 depositions of Joshua Zint and Frank Gonzales have since been reset for July 20, 2018.

23 9. On June 12, 2018, YWS served its Second Request for Production of Documents and
24 Counterdefendant Thomas Wucherer served his First Interrogatories.

25 10. On June 21, 2018, YWS served its Third Request for Production of Documents and
26 Second Request for Admissions.

1 **II. DISCOVERY REMAINING TO BE COMPLETED**

2 1. The depositions of the principals and person(s) most knowledgeable of YWS and
3 Alon.

4 (a) Alon has set the deposition of the Person Most Knowledgeable for YWS for
5 July 16 and 17, 2018.

6 (b) YWS has issued notices of deposition for James Noel (July 26), Andrew
7 Pascal (July 30), the Person Most Knowledgeable for Alon Las Vegas Resort,
8 LLC (July 31), and subpoenas for the depositions of Todd Nisbet (July 23
9 and 24), and the Person Most Knowledgeable for Crown Resorts Limited
10 (July 25), with the understanding that the dates may need to change due to
11 counsel's availability. It is YWS' understanding that Mr. Pascal's deposition
12 and the deposition of the Person Most Knowledgeable for Alon Las Vegas
13 Resort will need to take place in August due to the witness' travel schedule.

14 2. Additional written discovery between the Parties, as needed, including but not
15 limited to, requests for production of documents, requests for admission, and interrogatories.

16 3. The Parties anticipate obtaining expert and rebuttal experts and producing reports
17 pursuant to FRCP 26(a).

18 4. Depositions of those expert witnesses.

19 5. The Parties agree that additional percipient witness depositions will likely need to be
20 taken.

21 6. Additional written discovery and depositions of non-parties. YWS has issued a
22 subpoena for the deposition of the Person Most Knowledgeable for Schindler Elevator Corporation
23 (July 18), and Joshua Zint and Frank Gonzales have been set for July 20.

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1 **III. REASON WHY DISCOVERY REMAINING WILL NOT BE COMPLETED WITHIN**
2 **THE LIMITS SET BY THE COURT'S DISCOVERY PLAN AND SCHEDULING**
3 **ORDER**

4 The Parties have engaged in continued motion practice regarding YWS' lien, including
5 Supplemental Briefing on Alon's Motion to Expunge, Alon's Objections to the Magistrate's Report
6 and Recommendations and Alon's Motion for Certification to the Nevada Supreme Court since the
7 evidentiary hearing on Alon's Motion to Expunge on January 12, 2018.

8 The current deadline to submit initial expert reports in this matter is July 30, 2018. The Parties
9 agree that the current deadline does not offer enough time to obtain and provide expert witnesses with
10 all necessary information and time to complete their reports, despite the parties' good faith efforts to
11 schedule depositions in a timely manner.

12 The Parties also agree that additional time is necessary to complete all the depositions required
13 in this case. Counsel and witness travel schedules, as well as preparations for the relocation of
14 Greenberg Traurig to its new office space in August, have made scheduling necessary depositions
15 more difficult. However, the parties do not anticipate further delays.

16 **IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

17 The Parties request a sixty (60) day extension to complete depositions, disclose expert
18 witnesses and produce reports, and potentially complete additional written discovery. Additionally,
19 the parties request that the related deadlines be extended, including the dispositive motion deadline.
20 Accordingly, the proposed deadlines are as follows:

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| DEADLINE | CURRENT DATE | PROPOSED DATE |
|---|--------------------|--------------------|
| Discovery Cut-off | September 28, 2018 | November 27, 2018 |
| Deadline to disclose expert witnesses | July 30, 2018 | September 28, 2018 |
| Deadline to disclose rebuttal witnesses | August 31, 2018 | October 30, 2018 |
| Deadline to file dispositive motions | October 28, 2018 | December 27, 2018 |
| Deadline to file joint pre-trial order (if no dispositive motions are pending before the Court) | November 27, 2018 | January 26, 2019 |

Dated: July 5, 2018

GREENBERG TRAURIG, LLP

By: /s/ Shauna Norton

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Shauna L. Norton, Esq.
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*Attorneys for Plaintiff YWS
Architects, LLC dba YWS
Design & Architecture*

IT IS SO ORDERED.

DATED: July 6, 2018.

Dated: July 5, 2018

MEAD LAW GROUP

By: /s/ Sarah A. Mead

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*Attorneys for Counterclaimants Alon
Las Vegas Resort, LLC and Alon
Leisure Management, LLC*

UNITED STATES MAGISTRATE JUDGE

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

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